simply reaffirms the intent and regulatory history of the applicability of regulations within Glacier Bay National Park. The NPS is, however, soliciting comment as discussed below, and will review comments and consider making changes to the rule based upon an analysis of comments.

In accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the NPS has further determined that publishing this interim rule 30 days prior to the rule becoming effective could further confuse the public regarding the clear statutory authority of the NPS to protect park resources, and would be impracticable in that the due and required execution of the statutory functions of the NPS to protect park and public resources would be prevented by a delay in the effective date. This would be contrary to the public interest and the protection of park resources. As such, this interim rule clarifies and interprets existing NPS regulatory intent, practices and policies. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), and as discussed above, it has been determined that this interim rulemaking is excepted from the 30-day delay in effective date, and shall therefore become effective on the date published in the **Federal Register**.

Because the NPS is soliciting comments as discussed above, the NPS plans to analyze comments received and prepare further rulemaking, as appropriate, that will speak to the general applicability of regulations in Glacier Bay National Park. Therefore, this interim rule will expire on January 1, 1996, unless amended or revised by future notice and comment rulemaking.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, in accordance with the above discussion, and because of the urgent need to ensure the protection of park resources and wildlife, it has been determined that it is impracticable to delay the effective date of this interim rule pending public comment. Nevertheless, interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to the address noted at the beginning of this rulemaking. Comments must be received on or before June 27, 1994. The NPS will review comments and consider making changes to the rule based upon an analysis of comments.

Drafting Information

This interim rule was written by Russel J. Wilson of the Alaska Regional Office, National Park Service.

Paperwork Reduction Act

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which became effective January 1, 1981, the NPS has determined that this interim rule will not have a significant economic effect on a substantial number of small entities, nor does it require a preparation of a regulatory analysis.

This rule was not subject to Office of Management and Budget (OMB) review under Executive Order 12866.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;
(c) Conflict with adjacent ownerships or land uses; or
(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 13

Alaska, National parks.

In consideration of the foregoing, 36 CFR part 13 is amended as follows:

PART 13—[AMENDED]

Subpart C—Special Regulations—Specific Park Areas In Alaska

1. The authority citation for part 13 is revised to read as follows:

Authority: 16 U.S. C. 1, 3, 462(k), 3101 *et seq.*; § 13.65 also issued under 16 U.S.C. 1a-2(h), 1361, 1531.

2. By adding a new paragraph (a) to § 13.65 to read as follows:

§ 13.65 Glacier Bay National Park and Preserve.

(a) *Applicability and Scope.* (1) Notwithstanding § 1.2(b) and § 13.2(e) of this chapter, the regulations contained in parts 1 through 6 and 13 of this chapter that are applicable on federally owned lands and waters within the boundaries of Glacier Bay National Park shall also apply on and within the navigable waters located within the boundaries of Glacier Bay National Park.

(2) Paragraph (a) shall remain in effect until January 1, 1996.

* * * * *

Dated: February 26, 1994.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 94-7262 Filed 3-28-94; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AE11

Schedule for Rating Disabilities; Genitourinary System Disabilities; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to the regulations of the Department of Veterans Affairs (VA) that govern the Schedule for Rating Disabilities of the genitourinary system. This correction is required to amend a percentage evaluation in the regulation. No substantive change to the content of the regulations is being made by this correcting amendment.

EFFECTIVE DATE: This correcting amendment is effective February 17, 1994.

FOR FURTHER INFORMATION CONTACT: John Roberts, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a final rule in the **Federal Register** on January 18, 1994 (See 59 FR 2523-29) to implement changes to the genitourinary section of the rating schedule. However, a percentage evaluation was inadvertantly assigned to a diagnostic code (diagnostic code 7501, kidney, abscess of) where no percentage evaluation was appropriate. This document corrects that error.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

For the reasons set out in the preamble, 38 CFR part 4 is amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

1. The authority citation for part 4 continues to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

§ 4.115b [Amended]

2. In § 4.115b, Ratings of the genitourinary system-diagnoses, under diagnostic code 7501, the rating of 30 percent is removed.

Approved: March 21, 1994.

B. Michael Berger,

Director, Records Management Service.

[FR Doc. 94-7259 Filed 3-28-94; 8:45 am]

BILLING CODE 8320-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-277; RM-8324]

Radio Broadcasting Services; Warrior, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 254C3 for Channel 254A at Warrior, Alabama, and modifies the authorization for Station WLBI(FM) to specify operation on the higher powered channel, as requested by North Jefferson Broadcasting Company, Inc. See 58 FR 63152, published November 30, 1993. Coordinates for Channel 254C3 at Warrior, are 33-53-04 and 86-52-01. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 9, 1994.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-277, adopted March 14, 1994, and released March 24, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing Channel 254A and adding Channel 254C3 at Warrior.

Federal Communications Commission.

Victoria M. McCauley,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94-7332 Filed 3-28-94; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 73 and 76

[MM Docket No. 91-168; FCC 94-1]

Codification of Political Programming Policies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules to return to the original, broader definition of the term "use" for purposes of the political broadcasting rules that was in effect prior to the adoption of the Report and Order in this proceeding. The Commission concluded that the policy justifications that it had given to support its redefinition may not have been adequate in the circumstances. The intended effect of this amendment is to return to the previous definition until the Commission has had an opportunity to give further consideration to this issue.

EFFECTIVE DATE: April 28, 1994.

FOR FURTHER INFORMATION CONTACT: Milton O. Gross or Robert L. Baker, Mass Media Bureau at (202) 632-7586

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: January 3, 1994.

Released: January 27, 1994.

By the Commission: Chairman Hundt Abstaining From Voting.

1. This proceeding was begun in 1991 to revise and clarify our rules governing political programming. A Report and Order was released in 1991, and petitions for reconsideration were addressed in a 1992 Memorandum Opinion and Order.[1] A petition for judicial review of that proceeding is currently pending in the United States Court of Appeals for the Ninth Circuit.[2] The petitioners in that case have limited their challenge to the Report and Order's modification of the interpretation of the term "use" under section 315 of the Communications Act. For the reasons set forth below, we have decided to return to the interpretation of "use" employed prior to the Report and Order.

2. Prior to the Report and Order in this proceeding, the Commission defined "use" by a "legally qualified candidate" under section 315(a) as any "positive" appearance of a candidate by voice or picture. We had held that a disparaging use of a candidate's voice or picture, for example by a candidate's opponents, would not be considered a "use," but that any positive appearance, for example as an endorsement, even if unauthorized by the candidate and deemed harmful by him because of the nature of the endorsers, had been considered a "use" that would trigger the equal opportunity provision. See NPRM, 6 FCC Rcd 5707, 5717 ¶¶22-23, 56 FR 30526; Report & Order, 7 FCC Rcd at 684 ¶30, 57 FR 195. We sought comment on whether we should continue this broad interpretation of a "use" for purposes of section 315.

3. Commenters suggested that the Commission modify the definition of "use" to include only programs and announcements that were paid for or authorized by the candidate or his campaign committee. In the Report and Order we adopted this suggestion and narrowed our definition of "use" under section 315 to include only non-exempt candidate appearances that are "controlled, approved, or sponsored by the candidate (or the candidate's authorized committee) after the candidate becomes legally qualified." 7

[1] Report and Order, 7 FCC Rcd 678 (1991), 57 FR 189, reconsid. granted in part and denied in part, 7 FCC Rcd 4611 (1992), 57 FR 27705. A petition for further reconsideration is currently pending. We also modified, in a separate order, certain of the rules relating to sponsorship identification in response to reconsideration petitions. See Memorandum Opinion and Order, 7 FCC Rcd 1616 (1992), 57 FR 5156. A petition for further reconsideration of that action is also presently pending. As a result of the pendency of those further reconsideration petitions, we continue to have jurisdiction of this matter. See *TeleSTAR, Inc* v. *FCC*, 888 F.2d 132, 133 (D.C. Cir. 1989).

[2] *Westen* v. *FCC*, No. 93-70041 (9th Cir., filed Jan. 22, 1993).

FCC Rcd at 685 ¶33, 57 FR 196. We concluded that both the language of the statute and the legislative history supported this narrower interpretation. *Id.* In addition, we believe that this narrower definition would simplify administration of section 315 for broadcasters and would give candidates greater control of their campaign. *Id.* at ¶37.

4. Tracy Westen and the National Association for Better Broadcasting have sought judicial review of our redefinition of the term "use." They have argued that the Commission has consistently interpreted "use" broadly to include "any appearance of a candidate, by voice or picture, that is identifiable to the audience" whether or not the "use" is authorized by the candidate. They claim that because "Congress ratified this definition of 'use' in a 1959 amendment" to section 315(a), the Commission is not free to modify it in any way. They also have argued that our modified interpretation frustrates Congress' purpose in adopting section 315(a) because it permits broadcasters to "afford one candidate valuable public exposure without triggering any obligation to grant opponents the same opportunity."

5. We continue to find no basis for petitioners' statutory arguments. The 1959 news exemptions, far from ratifying the Commission's existing definition of "use," were enacted solely to correct what Congress believed was an overly-broad interpretation of that term.[3] Further, the Commission's "broad" interpretation of "use" was itself a departure from prior interpretations.[4] Petitioners also do not recognize longstanding exceptions to the broader interpretation of "use," such as the "fleeting use" provision[5] and our interpretation that appearances in a disparaging manner are not "uses." It is, in addition, well established that the Commission has especially broad authority to interpret and apply the provisions of section 315.[6]

6. Nevertheless, upon further consideration, we now believe that the two policy justifications that supported our redefinition may not have been adequate in the circumstances. We indicated that narrowing the definition of "use" would simplify administration of Section 315 for broadcasters. See Report & Order, 7 FCC Rcd at 686 ¶37, 57 FR 197. We also indicated that we believed a narrowed definition of "use" would give candidates "greater control of their campaigns by attributing to them only those messages or associations they authorize or approve." *Id.* We continue to believe that these reasons are valid. However, in light of our obligation to explain fully the basis for changing a policy or statutory interpretation,[7] particularly one as established as our prior interpretation of "use," we now believe that the Commission should provide a more comprehensive examination of this issue. Typically, when the Commission has reevaluated its interpretation of Section 315, it has done so in a comprehensive manner. For example, in Aspen Institute, the Commission reversed its statutory interpretation of ten years' duration in order to permit a news exemption to the "use" definition for candidate debates.[8] Similarly, the Commission has engaged in more extensive analysis when it interpreted the "use" exemptions to include delayed broadcasts of news events and licensee-sponsored debates.[9] Until we have had an opportunity to give further consideration to this issue, and to seek further comment, we believe that the better course is to return to our previous interpretation.

7. Accordingly, it is ordered that pursuant to authority contained in sections 4(i), 303(r) and 315 of the Communications Act, 47 U.S.C. 154(i), 303(r), 315, the Commission's rules are amended as set forth below, effective thirty days after publication in the **Federal Register.**

8. Further information in this proceeding may be obtained by contacting Milton O. Gross or Robert L. Baker, Mass Media Bureau at (202) 632-7586.

[3] See S. Rep. No. 562, 86th Cong., 1st Sess. 5 (1959). Our rule change also expressly did not affect application of the equal opportunities requirement to news programs codified in the 1959 amendment. See Report & Order, 7 FCC Rcd at 685 n.51, 57 FR 196.

[4] Congress stated in 1959 that the Commission's "broad" interpretation of Section 315 in CBS, Inc. (Lar Daly), 26 F.C.C. 715 (1959) had overturned three decades of applying Section 315 and its predecessor in the Radio Act narrowly so as not to include candidate appearances where "the candidate had in no way directly or indirectly initiated either the filming or presentation of the event. . . ." S. Rep. No. 562 at 5, citing Alan H. Blondy, 40 F.C.C. 284 (1957).

[5] See The Law of Political Broadcasting and Cablecasting, 100 F.C.C.2d 1476, 1492 35 (1984).

[6] *Chisholm* v. *FCC*, 538 F.2d 349, 357 (DC Cir.), cert. denied, 429 U.S. 890 (1976).

[7] See, e.g., *Greater Boston Television Corp.* v. *FCC*, 444 F.2d 841, 852 (DC Cir. 1970), cert. denied, 403 U.S. 923 (1971).

[8] Aspen Institute, 55 F.C.C.2d 697 (1975), aff'd, *Chisholm* v. *FCC*, 538 F.2d 349 (DC Cir.), cert. denied, 429 U.S. 890 (1976).

[9] Delaware Broadcasting Co., 60 F.C.C.2d 1030 (1976), aff'd, *Office of Communication of the United Church of Christ* v. *FCC*, 590 F.2d 1063 (DC Cir. 1978); Henry Geller, 95 F.C.C.2d 1236 (1983), aff'd, *League of Women Voters Educ. Fund* v. *FCC*, 731 F.2d 995 (DC Cir. 1984).

List of Subjects

47 CFR Part 73

Radio broadcasting, Television broadcasting, Political candidates.

47 CFR Part 76

Political candidates.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Title 47 CFR parts 73 and 76 are amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

2. Section 73.1941(b) is revised to read as follows:

§ 73.1941 Equal opportunities.

* * * * *

(b) *Uses.* As used in this section and § 73.1942, the term "use" means a candidate appearance (including by voice or picture) that is not exempt under paragraphs 73.1941 (a)(1) through (a)(4) of this section.

* * * * *

PART 76—CABLE TELEVISION SERVICE

3. The authority citation for part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

4. Section 76.205(b) is revised to read as follows:

§ 76.205 Origination cablecasts by legally qualified candidates for public office; equal opportunities.

* * * * *

(b) *Uses.* As used in this section and § 76.206, the term "use" means a candidate appearance (including by voice or picture) that is not exempt under paragraphs 76.205 (a)(1) through (a)(4) of this section.

* * * * *

[FR Doc. 94-7333 Filed 3-28-94; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF ENERGY

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 87–08; Notice 10]

RIN 2127–AF27

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petitions for reconsideration.

SUMMARY: The purpose of this notice is to announce the denial of two petitions for reconsideration of a final rule amending Standard No. 208, Occupant Crash Protection, to require "lap belts or the lap belt portion of lap/shoulder belts to be capable of tightly securing child safety seats." This requirement is referred to as the "lockability requirement." The first petition, from Jaguar, requested a one-year extension of the effective date of the final rule, or, in the alternative, a phase-in period. This petition is denied because NHTSA believes the petitioner's difficulty in complying with the lockability requirement is surmountable. Further, granting the petition would needlessly delay implementation of this requirement.

The second petition, from Toyota, requested a change in the test procedure to either employ a surrogate child restraint as a test device or to add an additional sentence about belt position before load application. This petition is denied because the petitioner's reported problem can be solved through a proper interpretation of the test procedure.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel S. Cohen, Office of Vehicle Safety Standards, NRM–12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–4911.

SUPPLEMENTARY INFORMATION: On October 13, 1993, NHTSA published a final rule amending Standard No. 208, *Occupant Crash Protection*, to require "lap belts or the lap belt portion of lap/shoulder belts to be capable of tightly securing child safety seats," referred to as the "lockability requirement" (58 FR 52922). The final rule was intended to ensure that safety belts are capable of tightly securing child safety seats. The requirement was adopted as a result of questions and concerns on the part of the public about the safety and effectiveness of child seats which can move during routine driving maneuvers when secured by safety belts that use an emergency locking retractor (ELR). NHTSA received petitions for reconsideration of this final rule from Jaguar and Toyota.

Jaguar Petition

Jaguar's petition requested a one-year extension of the effective date of the final rule, or, in the alternative, a phase-in period requiring 90 percent compliance for the 1996 model year and 100 percent compliance for the 1997 model year. This request was made because "the Jaguar XJS coupe will have less than 12 months of production remaining prior to the introduction of a new sports model" at the time of the current effective date (September 1, 1995). To support this request, Jaguar stated:

> The XJS coupe is a low volume 2+2 sport coupe with very limited rear seat accommodation. The rear seating area is more suitable for very small children or extra luggage. This model does not meet the requirements of * * * final rule regarding child seat lockability in those rear seating positions. The rear seat belt installation is unique to Jaguar in the XJS coupe and * * * (t)he expenditure of finite engineering resource and manpower to redesign, develop, retool, and recertify a new and unique seat belt system for a low volume model, with less than one year of production life results in operation difficulties.

No other automobile manufacturer has reported that it will have a problem in meeting the lockability requirement. In fact, many manufacturers have already brought many of their vehicles into compliance with the new requirement.

Since its petition contained very little detail about its attempts to comply with the lockability requirement, NHTSA contacted Jaguar for additional information. Jaguar provided confidential information about the various possible solutions it had explored and the anticipated cost of each solution. Jaguar noted that it had rejected one of the lower cost solutions because it believed that the belt design would be "adult user unfriendly." However, the Jaguar petition indicates that adults are unlikely users of the rear seating positions.

NHTSA believes that Jaguar can solve the engineering problem associated with the XJS coupe belt design before the effective date. Jaguar has not indicated that the XJS coupe belt design cannot be engineered to comply with the requirement, only that its preferred solution would have a high cost. Given Jaguar's statement that the rear seating area is best suited for small children, the very population targeted for the benefits of the requirement, NHTSA believes that it is very important for these seating positions to comply with the requirement. Since Jaguar's problem is one of cost minimization and not practicability, and in light of the ability of all other manufacturers to meet the effective date, NHTSA has determined that granting the Jaguar petition would needlessly delay the benefits of the final rule. Therefore, this petition is denied.

Toyota Petition

Toyota submitted a petition concerning a problem with testing a front passenger lap/shoulder belt. The inboard anchorage of Toyota's design is a ring attached to the emergency release buckle. The problem arises in part from the fact that the inboard anchorage is mounted on a flexible stalk. Depending on how the test procedure is conducted, the ring through which the belt webbing passes at that anchorage can move up or down the belt due to the flexibility of the stalk and the application of the test force to the lap belt portion. The movement of the ring up the webbing can affect the length of the lap belt portion and create an apparent noncompliance, even though little or no webbing has spooled off the retractor at the upper end of the shoulder belt portion of the belt assembly. Toyota explained that:

> The problem is caused by the slipping of the webbing at the buckle, which leads to changes in the measuring distance between points A and B. However, the measuring distance between point B and the retractor, and the belt path itself does not change appreciably.

The test procedure in the final rule specifies that lap/shoulder belts are to be tested as follows:

—Buckling the safety belt assembly,
—"Locking" the safety belt in accordance with the manufacturer's instructions in the vehicle owner's manual,
—Locating any point on the safety belt buckle or emergency release buckle (these buckles are located on the inboard side of the lap belt portion),
—Locating any point on the attachment hardware on the other end of the lap belt portion of the safety belt assembly (this hardware is located on the outboard side of the lap belt portion),
—Adjusting the lap belt portion of the safety belt assembly so that the length of webbing between these two points is the maximum possible with the belt system,
—Measuring that distance,
—Readjusting the lap belt portion of the safety belt assembly so that the length of the webbing between these two

points is at least 5 inches less than the previously measured distance,

—Pulling on the lap belt portion of the "locked" belt with a 10 pound pre-load using a webbing tension pull device,

—Again measuring the previously measured distance,

—Pulling on the lap belt portion of the "locked" belt with a 50 pound force using a webbing tension pull device, and

—With the force still pulling on the belt, measuring the distance between the two points again.

The difference between the third and fourth measurements shall not exceed two inches.

Toyota requested a change in the test procedure to either employ a surrogate child restraint as a test device or to add the following sentence to S7.1.1.5(c)(4):

> For belt webbing that is locked by a retractor ensure that the distance between points A and B is at the maximum length allowed by the belt system during application of the 10-lb pre-load.

In a February 18, 1994 letter to the agency, Toyota suggested a third possible solution, changing the direction of the pre-load application to 45 degrees.

NHTSA believes that Toyota's problem is caused by a misunderstanding of the test procedure. Section S7.1.1.5(c)(2) specifies that the belt should be adjusted "so that the webbing between points A (on the buckle) and B (on the attachment hardware at the other end of the lap belt portion) is at the maximum length allowed by the belt system." As demonstrated in a video supplied by Toyota in a meeting with NHTSA staff on November 29, 1993, this adjustment was made by adjusting the webbing so that the majority of it was within the lap belt portion and rotating the buckle upward along the webbing toward the shoulder belt portion.

Section S7.1.1.5(c)(3) then specifies readjusting "the belt system so that the webbing between points A and B is at any length that is 5 inches or more shorter than the maximum length." The Toyota video depicted two different ways in which Toyota made this readjustment. In the first variation, the buckle was allowed to rotate downward toward the lap belt portion as webbing was spooled back onto the retractor for S7.1.1.5(c)(3). Then, when the load was applied, the buckle rotated upward so that the ring on the buckle rode up along the webbing, increasing the length of the lap belt portion even though, as noted above, little or no webbing had spooled off the retractor. In the second variation, the buckle was not allowed to reposition itself as the webbing was spooled back onto the retractor for S7.1.1.5(c)(3). Thus, the buckle did not rotate when the load was applied. The only change, if any, in the length of the lap belt portion was due to webbing spooling off the retractor. As explained below, Toyota should not have allowed the buckle to reposition itself in the first variation.

The specification in S7.1.1.5(c)(3) that the webbing between points A and B be at any length that is 5 inches or more shorter than the maximum length was added to ensure that the test would not indicate compliance only because there was no webbing left to spool off the retractor. Thus, the adjustment in S7.1.1.5(c)(3) should only involve spooling webbing back onto the retractor. If any other adjustments to the orientation of any other portion of the belt system are made for S7.1.1.5(c)(2), the adjusted portions should not be further changed. Thus, Toyota should not allow the buckle to rotate downward, as it did in the first variation. As the video demonstrated, when the buckle was not allowed to rotate downward in the second variation, the apparent problem did not occur. Therefore, the agency is denying this petition also.

Issued on March 23, 1994.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 94–7351 Filed 3–24–94; 12:23 pm]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1051, 1053 and 1312

[Ex Parte No. MC–180 (Sub-No. 3)]

Regulations Implementing Section 7 of the Negotiated Rates Act of 1993 (Interpretive Decision)

AGENCY: Interstate Commerce Commission (ICC).

ACTION: Interpretation of regulations.

SUMMARY: The ICC is issuing a decision interpreting new regulations addressing motor common and contract carrier discounts, allowances, or adjustments provided to nonpayers of charges. The regulations were issued under section 7 of the Negotiated Rates Act of 1993 (Pub. L. No. 103–180) and will take effect on April 2, 1994. The Commission may issue a further decision if the comments expose issues that require additional clarification.

DATES: Comments are due on April 18, 1994.

ADDRESSES: Send comments (an original and 10 copies), referring to Ex Parte No. MC–180 (Sub-No. 3), to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–6373. [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: The regulations that take effect on April 2, 1994, were published at 59 FR 2303 (January 14, 1994). To purchase a copy of the decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Environmental and Energy Considerations

This action does not require environmental review because it does not have the potential for significant environmental impacts. 49 CFR 1105.6(c)(7).

Regulatory Flexibility Analysis

Because this is not a notice of proposed rulemaking within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we need not make the small business impact examination required by that Act. Nevertheless, we welcome any comments regarding the small entities considerations embodied in that Act.

Decided: March 22, 1994.

By the Commission, Chairman McDonald, Vice Chairman Phillips, Commissioners Simmons and Philbin.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–7336 Filed 3–28–94; 8:45 am]

BILLING CODE 7035–01–P